REMARKS

Claims 1-32 are pending in the application. These claims were rejected as follows:

Claims / Section	35 U.S.C. Sec.	References / Notes
1-7, 9-16, 18-21, 23-27, & 29-32	§103(a) Obviousness	• DeKoning (U.S. Patent No. 6,240,194); and • Williams, et al. (U.S. Patent No. 5,867,731).
8, 17, 22, & 28	§103(a) Obviousness	• DeKoning (U.S. Patent No. 6,240,194); • Williams, et al. (U.S. Patent No. 5,867,731); and • Kari (PCT Publication No. WO 97/48249).

Applicants have provided discussion below for distinguishing the present invention from the art cited against it.

Applicants' use of reference characters below is for illustrative purposes only and is not intended to be limiting in nature unless explicitly indicated.

35 U.S.C. §103(a), CLAIMS 1-7, 9-16, 18-21, 23-27, & 29-32 OBVIOUSNESS OVER DEKONING IN VIEW OF WILLIAMS

1. Regarding claim 1, it is not obvious to combine a reference in the hearing aid arts with a reference for transferring data packets across different clock domains.

In the OA, on pp. 2-3, the Examiner stated that DeKoning discloses all elements of claim 1, with the exception of sending a data packet with a length as a function of assigned priority. The Examiner then combined DeKoning with Williams, stating that Williams teaches a data transfer system that prioritizes data

packets according to size. The Examiner then concludes that it would have been obvious to one skilled in the art at the time of the invention to apply sending data packets with a length as a function of assigned priority as taught by Williams to the hearing aid system taught by DeKoning for the purpose of realizing the aforesaid advantages.

In order to establish a *prima facie* case of obviousness, there must be a suggestion or motivation to combine the references. As noted in MPEP §2143.01 (citing *In re Kotzab*, 217 F.3d 1365, 1370), "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and *the nature of the problem to be solved* as a whole would have suggested to those of ordinary skill in the art". [emphasis added]. MPEP §2143.01 (III) notes that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

In the present case, Williams Abstract states that it is, "A system for use in transferring data packets across different clock domains..." The nature of the problem being solved in Williams relates to a transfer across an asynchronous interface. In the present invention, the nature of the problem to be solved is to reduce energy consumption, which is important in hearing aid devices where battery life is of concern.

One of ordinary skill in the art concerned with energy conservation would not look to the field of data transfer across different clock domains. Therefore , it

would not be obvious to combine the teaching of DeKoning with that of Williams to arrive at the present invention.

2. Regarding claim 2, Williams does not disclose temporarily terminating the sending of the data packet if the second priority is higher than the assigned priority. Williams only discloses enabling requests on high priority lines to be given priority over requests on low priority lines.

In the OA, on p. 3, the Examiner stated that Williams discloses suspending transfer of low priority short packets in favor of high priority long packets (citing 2/62 – 3/5).

Applicants are unable to find any discussion in the cited portion related to a termination or a suspension of the sending of a data packet. Williams teaching relates to *requests* to transfer data and does not teach or suggest a temporary termination of the sending of data, as required by claim 2. Williams states, at 3/16-18, "Once a request to an I/OP is granted, the I/OP transfers a data packet to the input data register." Williams describes the transfer of the packets at 3/66 – 4/59, but in no case does Williams disclose temporarily terminating the sending of the data packet.

3. Regarding claim 7, Williams does not disclose defining a priority as N when the data packet has a length of (N+1). Williams only discloses the presence of a low-priority line, and a high priority line.

In the OA, on p. 4, the Examiner stated that Williams discloses measuring packet length by number of data words, and that since priority is inherently

relative and integral, this constitutes a priority N for a packet containing (N+1) words.

The prioritization of transferring in Williams takes place via the use of a low-priority line and a high-priority line (2/59 – 3/5). Thus, Williams only discloses an allocation of two levels of priority, even though it discusses packets of a number of different lengths. This clearly does not correspond to what is claimed in claim 7.

35 U.S.C. §103(a), CLAIMS 8, 17, 22, & 28 OBVIOUSNESS OVER DEKONING IN VIEW OF WILLIAMS AND KARI

4. The mere reserving of a high-priority channel, as taught by Kari, does not teach reserving a communication channel for a predefined period of time, and does not teach reserving it after a send with the highest priority.

In the OA, on p. 5, the Examiner indicated that DeKoning and Williams fail to teach reserving the channel after a high priority send.

Applicants respectfully note that the claim further requires reserving the communication channel *for a predefined period of time*. In order to establish a case of obviousness, each and every limitation must be taught or suggested by the combination of references. MPEP §2143.03. In the present case, the Examiner has not addressed the claim limitation of reserving the communication channel *for a predefined period of time*, and doing so *after a send with the highest priority*.

Kari simply discusses a probability of having to reserve a communication channel based on the load and priority class of what is to be communicated. In the relevant portion cited by the Examiner, Kari states:

> According to another alternative, the telecommunication controller may send information about the prevailing load situation, especially about the loading of each priority class. On the basis of this information, the terminal equipments can determine by a specific algorithm what is the probability for it that they attempt to reserve a radio channel. The greater the load of the priority class and the lower the priority of the data packet to be sent, the smaller the probability that the terminal equipment having data to send attempts to reserve a radio channel at a specific moment.

There is no teaching or suggestion about reserving the channel for a predefined period of time. Nor is there a teaching or suggestion for actually reserving the channel after a send with the highest priority. Therefore, one of ordinary skill in the art would not arrive at the present claim 8 by reviewing the teachings of the combined references.

Applicant relies on the above arguments for the remaining claims in the application and asserts that these claims are non-obvious over the combination of references cited by the Examiner.

For these reasons, the Applicants assert that the claim language clearly distinguishes over the prior art, and respectfully request that the Examiner withdraw the §103(a) rejection from the present application.

CONCLUSION

Inasmuch as each of the objections have been overcome by the amendments, and all of the Examiner's suggestions and requirements have been

satisfied, it is respectfully requested that the present application be reconsidered, the rejections be withdrawn and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on August 17, 2006.

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